

235 Messachusetts Ave, NE Washington, DC 20002

August 17, 2006

Lawrence H. Norton General Counsel Federal Elections Commission 999 "E" Street, NW Washington, DC 20463

RE: Federal Elections Complaint

Dear Mr. Norton.

MUR# 5799

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This letter is intended to notify the Federal Elections Commission of an apparent violation of federal law by Senator John McCain and to initiate a formal complaint. In brief, I believe based on the evidence outlined below and attached, that Senator McCain has engaged in a solicitation of soft money in violation of the Bipartisan Campaign Reform Act of 2002.

As outlined below, Senator McCain appeared on a fundralsing invitation that solicited contributions that were not allowed by BCRA. As the Commission has previously ruled, federal officeholders may not solicit contributions for state candidates that exceed federal limits contained in BCRA. Furthermore, while a disclaimer on a separate solicitation said that contributions over \$2100 were not being solicited, it continued to say that the maximum contribution allowed by South Carolina law was \$3500, leaving donors to conclude that contributions over federal limits were being solicited using the name of a federal officeholder.

FACTS:

- On August 15, 2006 National Journal (in its online "Hotline on Call" blog)
 published an invitation to a reception for a South Carolina Adjutant General Stan
 Spears that featured Sen. McCain as a "special guest." According to the reports
 the invitation had been mailed to the public to solicit attendance and contributions
 to Spears' reelection campaign to the South Carolina state office of Adjutant
 General.
- 2. The invitation contains language which says "Minimum Donation requested \$100."

- The invitation does not say that contributions are being solicited only up to amounts legal under BCRA or are only being solicited from sources that may contribute under BCRA.
- 4. The invitation contains a disclaimer saying that members of the National Guard and lobbyists should disregard the invitation as candidates for Adjutant General may not solicit contributions from National Guard members. It also says that members of the Guard may voluntarily contribute. This disclaimer says nothing about the solicitation from sources or in amounts barred by BCRA.
- On August 16, 2006 a number of websites published an RSVP card that they say was obtained from the Spears campaign. According to these blogs the card accompanied the initial invitation/solicitation.
- 6. This card contained language which repeated the minimum donation language in the invitation saying, "(\$100 minimum per couple)."
- 7. The card also contained a disclaimer which said:

"Contributions to Spears for Adjutant General are not tax deductible for federal income tax purposes. The solicitation of funds is being made only by Spears for Adjutant General. We are honored to have Senator McCain as our Special Guest for this event. In accordance with federal law, Senator McCain is not soliciting individual contributions in excess of \$2,100 per person, nor is he soliciting corporate, labor union, or foreign national contributions. South Carolina state law allows campaign contributions of up to \$3,500 per election cycle. Registered lobbyists please disregard. PAID FOR BY SPEARS FOR ADJUTANT GENERAL. PLEASE RETURN IN ENCLOSED ENVELOPE."

ALLEGATIONS:

- 1. By asking for unlimited contributions of \$100, the invitation to the Spears event constituted a solicitation of impermissible amounts under BCRA by Senator John McCain, a federal officeholder.
- By limiting the restricted sources only to lobbyists and National Guard members, the Spears invitation was a solicitation of money from corporate and other impermissible sources under BCRA by Senator John McCain, a federal officeholder.
- 3. The RSVP card constitutes a separate solicitation that also violates BCRA. It again asks for a minimum of \$100. It says that the maximum contribution under South Carolina law is \$3,500, well above the \$2100 maximum allowed by BCRA. This also was a solicitation of funds above the federal limits by Senator John McCain, a federal officeholder.

Please find attached to this complaint a copy of the invitation and the RSVP card, both of which can be obtained from the Spears campaign or from pro-McCain websites located at:

http://blog.alabamaformccain.com/?p=29

I look forward to seeing these facts and allegations investigated and pursued by the FEC. If you wish to contact me about this complaint, I can be reached at Thank you for your attention to this matter.

Sincerely yours,

Christine Setzer **Senate Majority Project**

Exhibits Attached

Subscribed and sworn to me this $1\frac{2}{3}$ th day of August, 2006

My Commission expires Quil 14th, 2006

You are cordially invited to attend a private reception

honoring

Adjutant General Stan Spears

with special guest
United States Senator John McCain

South Carolina Attorney General Henry McMaster House Judiciary Committee Chairman Jim Harrison

Thursday, August 17, 2006 6:30 p.m.

Columbia Chamber of Commerce Building 930 Richland Street
Columbia, South Carolina

This in-Rates was not intended for National Courd stermbers or registered lobbytas. Accordingly, if you are a Guard member or lebbytas, please divergend this invantion. A capdidate for Adjutant General may not solicit contributions from Guard members or registered lobbytas. However, Guard members may voluntarily contributes to an Adjutant General condition. This sevination was not mailed or distributed at government expresse. Paid for by Sam Spoors for Adjutant General.

THE PARTY CONTRACTOR

Minimum donation requested \$100

For more information, call Carley Caldwell (803) 252-3300

Asherized and paid for by Spears for Adjutum General.

Adjutant General Stan Spears Reception

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Adjutant General Stan Spears Reception

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